

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re: Shanita D. Outing
Debtor

Chapter 13
Bankruptcy No. 20-10679-elf

American Advisors Group, or its Successor or Assignee
Movant
vs.

William C. Miller, Trustee
Shanita D. Outing
Respondents

**MOTION OF AMERICAN ADVISORS GROUP, OR ITS SUCCESSOR OR ASSIGNEE FOR RELIEF
FROM AUTOMATIC STAY UNDER § 362(a)**

Movant: American Advisors Group, or its Successor or Assignee

Mortgage dated August 18, 2014 and recorded on August 29, 2014 in the Office of the Recorder of Philadelphia County in Mortgage Document ID No. 52822582.

Assignment of Mortgage dated September 21, 2016 and recorded on September 22, 2016 in the Office of the Recorder of Philadelphia County in Mortgage Document ID No. 53115161.

1. American Advisors Group, or its Successor or Assignee (hereinafter "Movant") holds a claim secured by a duly recorded Mortgage on property of Elizabeth C. Daniels, or of the bankruptcy estate located at: 5841 Cobbs Creek Parkway, Philadelphia, Pennsylvania 19143.

2. Upon information and belief, the Mortgagor, Elizabeth C. Daniels is deceased. A copy of the Obituary providing for the Mortgagor's date of death as September 23, 2018 is attached hereto.

3. Upon further information and belief, Debtor Shanita D. Outing is an heir to the property.

4. Shanita D. Outing (hereinafter "Debtor") filed a Petition under Chapter 13 on February 3, 2020.

5. Per Paragraph 9(a)(i) of the reverse mortgage, if the Mortgagor dies and the Property is not the principal residence of at least one surviving borrower, the note can be accelerated and the full debt becomes due and owing. The note was accelerated prior to the filing of the instant petition.

6. As of August 19, 2020, the loan debt due under Movant's reverse mortgage is approximately \$109,654.17.

7. Since August 19, 2020, Movant has incurred attorneys' fees in connection with this Motion.

8. Movant does not have and has not been offered adequate protection for its interest in said premises and may be required to pay expenses for said premises in order to preserve its lien, which is the obligation of the Debtor under said Mortgage.

9. Movant specifically requests permission from the Honorable Court to communicate with the Debtor and Debtor's counsel to the extent necessary to comply with applicable nonbankruptcy law.

WHEREFORE, Movant prays for an order modifying the automatic stay of Bankruptcy Code §362(a) to permit Movant to foreclose its Mortgage and to exercise any other rights it has under the Mortgage or with respect to the mortgaged property such actions may include but are not limited to selling the property at Sheriff Sale, entering into a loan modification or signing a deed in lieu of foreclosure; and

Further, granting Movant permission from this Honorable Court to communicate with the Debtor and Debtor's counsel to the extent necessary to comply with the applicable nonbankruptcy law.

/s/ Ann E. Swartz, Esquire
MARGARET GAIRO, ESQUIRE ID # 34419
ANN E. SWARTZ, ESQUIRE ID #201926
LAUREN M. MOYER, ESQUIRE ID # 320589
JOHN M. KOLESNIK, ESQUIRE ID # 308877
Attorney for American Advisors Group
123 South Broad Street, Suite 1400
Philadelphia, PA 19109
Telephone: (215) 790-1010
Facsimile: (215) 790-1274
Email: ecfmail@mwc-law.com